IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7438 of 2004

Yasin Aminsaheb Kothimbire
through P.A.Abdul Rajak
Ahmedsaheb Kothimbire & Ors. .. Petitioners.

V/s.

Malanbi Suleman Bagwan & Ors. .. Respondents.

Mr. J.P.Khorge i/b Mr.S.S.Sadkhare for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 14th SEPTEMBER, 2004.

PC:

1. Heard Mr.Khorge, learned counsel for the petitioner.

2. The petitioners have impugned the following order :

> . "After making the application defendants and their counsel left the Court and did not turned to the Court till 5.30

p.m. It is not mentioned on what point the defendants are going to examined the proposed witness. List of witnesses was not given in the court, at the relevant stage. From perusing the application I am unable to understand the relevant or the witnesses with the matter. Hence, I am not inclined to issue witness summons to the witnesses. Hence, application stands rejected."

. It is apparent from the order that the application for issuance of witness summons did not give any particulars. Moreover, the advocate of the petitioner did not bother to remain present in the court after filing of the application. Keeping that in view and considering the reasons recorded by the learned Judge in the impugned order, in my opinion, no interference is called for in the impugned order. However, it is open for the petitioner to file proper application for issuance of witness summons within two weeks from today. If such application is filed same may be considered on merits in accordance with law. This petition is disposed of.

(D.B.Bhosale, J)